



House of Representatives

General Assembly

File No. 245

January Session, 2001

House Bill No. 6247

House of Representatives, April 11, 2001

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING TELECOMMUNICATIONS EQUIPMENT CABINETS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-235 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 Except as provided in section 16-243, the selectmen of any town, the
4 common council of any city and the warden and burgesses of any
5 borough shall, subject to the provisions of section 16-234, within their
6 respective jurisdictions, have full direction and control over the
7 placing, erection and maintenance of any such wires, conductors,
8 fixtures, structures or apparatus, including the relocation or removal of
9 the same and the power of designating the kind, quality and finish
10 thereof, but no authority granted to any city or borough or a town
11 planning, zoning, inland wetland, historic district, building, gas, water
12 or electrical board, commission or committee created under authority
13 of the general statutes or by virtue of any special act, shall be

14 construed to apply to so much of the operations, plant, building,
15 structures or equipment of any public service company as is under the
16 jurisdiction of the Department of Public Utility Control, or the
17 Connecticut Siting Council, but zoning commissions and inland
18 wetland agencies may, within their respective municipalities, regulate
19 and restrict the proposed location of any steam plant, gas plant, gas
20 tank or holder, water tank, electric substation, antenna, tower or earth
21 station receiver of any public service company not subject to the
22 jurisdiction of the Connecticut Siting Council. Any local body
23 mentioned in this section and the appellate body, if any, may make all
24 orders necessary to the exercise of such power, direction or control,
25 which orders shall be made within thirty days of any application and
26 shall be in writing and recorded in the records of their respective
27 communities, and written notice of any order shall be given to each
28 party affected thereby. Each such order shall be subject to the right of
29 appeal within thirty days from the giving of such notice by any party
30 aggrieved to the Department of Public Utility Control, which, after
31 rehearing, upon notice to all parties in interest, shall as speedily as
32 possible determine the matter in question and shall have jurisdiction to
33 affirm or modify or revoke such orders or make any orders in
34 substitution thereof. A local zoning commission shall have jurisdiction
35 over the siting of a back-up generator mounted on the ground that is
36 part of a telecommunications system.

37 Sec. 2. This act shall take effect from its passage.

PD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Public Utility Control

Municipal Impact: None

Explanation**State Impact:**

The bill transfers regulatory power over the siting of certain telecommunications equipment cabinets from the Department of Public Utility Control (DPUC) to the local zoning commissions. This will result in a minimal workload decrease to the DPUC, which will have no fiscal impact on the state.

Municipal Impact:

Local zoning commissions may experience a minimal workload increase related to siting these units, which can be handled within the normal budgetary resources of the municipality, thus there is no fiscal impact.

OLR BILL ANALYSIS

HB 6247

AN ACT CONCERNING TELECOMMUNICATION EQUIPMENT CABINETS.**SUMMARY:**

This bill gives local zoning commissions regulatory power over siting telecommunications, ground-mounted, back-up generators. Under current law this authority rests with the Department of Public Utility Control (DPUC). Currently, municipal siting authority regarding facilities of a public service company is limited to zoning and wetlands agencies regulating the location of the following facilities: steam plants; gas plants; gas tanks or holders; water tanks; electric substations; and antennas, towers or earth station receivers that are not under the jurisdiction of the Connecticut Siting Council.

The bill grants this additional jurisdiction only to local zoning commissions, not inlands wetland commissions.

Currently, DPUC policy requires telecommunications and other public service companies to notify and consult with municipalities to develop mutually agreeable schedules and procedures before beginning any improvement, maintenance, or other project not within the municipalities' jurisdiction.

EFFECTIVE DATE: Upon passage

BACKGROUND***Public Service Companies***

Public service companies are defined in statute as electric distribution, gas, telecommunications, pipeline, water, or cable television companies and their plants and equipment. These companies are subject to DPUC jurisdiction. Exceptions include towns, cities and any

municipal corporation or department, private power producers, and exempt wholesale power generators (as defined in federal law).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report

Yea 17 Nay 0